



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 19, 2022
TIME: 9:06 AM

WSR 22-21-141

Agency: Department of Licensing

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR 22-16-104 ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) WAC 308-104-025 Effect of accumulation of traffic offenses. NEW SECTION WAC 308-104-026 Safe driving course. NEW SECTION WAC 308-104-027 Effect of accumulation of traffic infractions.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 28, 2022	3:00PM	<p>Join Zoom Meeting https://dol-wa.zoom.us/j/81874782797?pwd=ZzQ5dFpWMU1PS3NrM3JKVTJ5bE5vQT09</p> <p>Meeting ID: 818 7478 2797 Passcode: 279420 One tap mobile +12532158782,,81874782797#,,,,*279420# US (Tacoma) +16699006833,,81874782797#,,,,*279420# US (San Jose)</p> <p>Dial by your location +1 253 215 8782 US (Tacoma) Meeting ID: 818 7478 2797 Passcode: 279420 Find your local number: https://dol-wa.zoom.us/j/kc7eXlJrQf</p> <p>Persons wishing to attend in person can come to the Highways and Licensing Building located at 1125 Washington St. SE, Olympia, WA 98501</p>	If you are having trouble accessing the public hearing Zoom Link at the time of the hearing, please call 360-902-3846 immediately. You should be admitted into the meeting at the time the public hearing starts.

Date of intended adoption: November 29, 2022 (Note: This is **NOT** the effective date)

Submit written comments to:

Assistance for persons with disabilities:

Name: Ellis Starrett	Contact <u>Ellis Starrett</u>
Address: 1125 Washington St SE, Olympia, WA 98501	Phone: 360-902-3846
Email: rulescoordinator@dol.wa.gov	Fax:
Fax:	TTY:
Other:	Email:
By (date) <u>November 27, 2022</u>	Other:
	By (date) <u>November 22, 2022</u>

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Makes changes in WAC 308-104 to adopt requirements in ESSB 5226 related to an accumulation of traffic offenses and the safe driving course.

Reasons supporting proposal: The department is making changes to WAC 308-104 to adopt new requirements established in ESSB 5226 related to suspensions resulting from an accumulation of traffic offenses and a required safe driving course. The law decreases the number of accumulated traffic offenses that result in a license suspension and requires individuals who are suspended under this law to complete a safe driving course. Section 7 of the bill states "Whenever the official records of the department show that a person has committed a traffic infraction for a moving violation on three or more occasions within a one-year period, or on four or more occasions within a two-year period, the department must suspend the license of the driver for a period of 60 days and establish a period of probation for one calendar year to begin when the suspension ends. Prior to reinstatement of a license, the person must complete a safe driving course as recommended by the department."

Statutory authority for adoption: RCW 46.01.110 Rule-making authority. and RCW 46.20.119 Reasonable rules

Statute being implemented: ESSB 5226

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Type of proponent: ☐ Private ☐ Public ☐ Governmental

Name of proponent: (person or organization)

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Carla Weaver	1125 Washington St. SE, Olympia, WA 98501	360-902-3682
Implementation:	Carla Weaver	1125 Washington St. SE, Olympia, WA 98501	360-902-3682
Enforcement:	Carla Weaver	1125 Washington St. SE, Olympia, WA 98501	360-902-3682

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:

Other:

☒ No: Please explain: See exemptions below.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

☐ [RCW 34.05.310](#) (4)(b)

(Internal government operations)

☐ [RCW 34.05.310](#) (4)(c)

(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(d)

(Correct or clarify language)

☒ [RCW 34.05.310](#) (4)(e)

(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(f)

(Set or adjust fees)

☐ [RCW 34.05.310](#) (4)(g)

((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

☒ The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

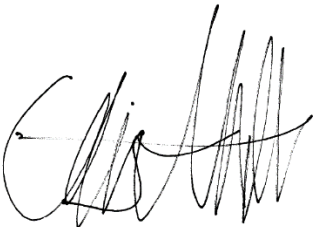
Other:

Date: October 19, 2022

Name: Ellis Starrett

Title: Rules and Policy Manager

Signature:

A handwritten signature in black ink, appearing to read 'Ellis Starrett', is written over a light gray grid background.